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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY, AND TWIN FALLS)
CANAL COMPANY)
_____)

**SURFACE WATER COALITION'S
PETITION FOR PARTIAL
RECONSIDERATION OF HEARING
OFFICER'S RECOMMENDED ORDER**

COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal
Company, and Twin Falls Company (collectively hereafter referred to as the "Surface Water

Coalition”), by and through counsel of record, and hereby file this *Petition for Partial Reconsideration of Hearing Officer’s Recommended Order* issued in this matter on April 29, 2008. The issues identified for reconsideration and the supporting bases are set forth below.

I. The SWC Previously Decreed Water Rights are Pending in the SRBA and any Statements on the Elements of those Water Rights are Committed to the Jurisdiction of the SRBA Court.

The *Recommended Order* recognizes the standard confirmed by the Idaho Supreme Court in *AFRD #2 v. IDWR*, 143 Idaho 862, 878 (2007) that there is a “presumption that a senior water user is entitled to the amount of water set forth in a license or decree” and that the “logic applies to the rights claimed in this case unless they are subsequently altered by decree in the Snake River Basin Adjudication.” *Recommended Order* at 25.

Relative to the water rights identified in the *Recommended Order*, clarification needs to be made that in some cases the Coalition members objected to IDWR’s SRBA recommendations for their water rights. *See* Exhibits 9723-9729.¹ For example, the *Recommended Order* states that Milner Irrigation District holds water right 01-2050 for 37 cfs with a priority date of July 11, 1968. *See Recommended Order* at 8. Although IDWR recommended a July 11, 1968 priority date for water right 01-2050 in the SRBA, Milner filed an objection since the right was previously licensed by IDWR with an October 25, 1939 priority date. *See* Exhibit 9724; Exhibit 8000 (*SWC Expert Report Appendix A* at A-3). The objection is pending in the SRBA.

In addition, the *Recommended Order* states that TFCC “filed for irrigation to 196,162 acres, the amount that IDWA has recommended”. *See Recommended Order* at 9. In its SRBA claim, TFCC claimed 202,691 irrigated acres. *SWC Expert Report Appendix A* at A-3. While IDWR recommended 196,162 acres, TFCC filed an objection to that recommendation. *See id.*;

¹ Copies of cited exhibits, or parts thereof, are attached to this petition for the convenience of the Hearing Officer’s review. In addition, only some of the objections included as exhibits 9724 and 9729 have been attached.

Exhibit 9729. Accordingly, the decision as to the element of TFCC's water rights concerning the total number of irrigated acres is still pending in the SRBA. *See also*, I.C. §§ 42-1411(2)(h) (identifying the number of irrigated acres as an element to be described under an irrigation water right). Accordingly, although the *Recommended Order* states that non-irrigated acres should not be considered in determining the irrigation supply necessary for SWC members, that recommendation does not establish the number of irrigated acres to be determined by the SRBA Court for the SWC water rights, including those held by TFCC, Burley Irrigation District, and Minidoka Irrigation District.

Accordingly, the Coalition requests clarification that any recommendations for this proceeding relative to the elements of the SWC water rights (i.e. priority date, place of use, etc.) do not supplant or determine those same issues that are presently pending before the SRBA Court. *See Walker v. Big Lost River Irrigation District*, 124 Idaho 78, 81 (1993) ("Thus, once the SRBA was commenced, jurisdiction to resolve all of the water rights claims within the scope of the general adjudication is in the SRBA district court only.").

II. TFCC's Water Rights Provide for 3/4 Inch Headgate Deliveries.

Similar to the above issue, TFCC requests the Hearing Officer to reconsider the following determination: "Full headgate delivery for Twin Falls Canal Company should be calculated at 5/8 inch instead of 3/4 inch ... Any conclusions based on full headgate delivery should utilize 5/8 inch." *Recommended Order* at 53, 55.

As the Hearing Officer determined in the *Recommended Order*, the Director cannot "re-adjudicate" a water right in administration. *See Recommended Order* at 48 ("Treating the minimum full supply as a cap reducing the right to mitigation in carryover storage has profound consequences. In practical effect it adjudicates a new amount of the water right outside the

SRBA without a determination of specific factors warranting a reduction”). The task of water right adjudication is left to the judiciary in Idaho, and TFCC’s previously decreed water rights are presently pending in the SRBA. Hence, a review of historical documents, such as deliveries, internal memoranda, and prior court decisions reflects a snapshot in time with respect to water delivery and does not adjudicate the water right. Relative to administration, the Hearing Officer further recognized “[t]here is a presumption that a senior water user is entitled to the amount of the water set forth in a license or decree.” *Recommended Order* at 25. The decree or license is then reconciled with historical water diversions and a duty of water.

TFCC acquired three natural flow water rights: (1) water right 1-209 for 3,000 cfs with a priority date of October 11, 1900; (2) water right 1-4 for 600 cfs with a priority date of December 22, 1915; and (3) water right 1-10 for 180 cfs with a priority date of April 1, 1939. *Recommended Order* at 9. TFCC’s 3,000 cfs water right was first decreed by the district court in the *Foster Decree* on June 20, 1913. *SWC Expert Report* at 2-37. Next, TFCC’s 600 cfs water right was decreed by the United States District Court, District of Idaho Eastern Division in the *Woodville Decree* issued on June 25, 1929. Finally, TFCC’s 180 cfs water right was decreed by the district court in the *Eagle Decree* on July 10, 1968. *SWC Expert Report, Appendix A* at A-3. TFCC also acquired storage water rights in Jackson Lake and American Falls Reservoir. *Id.* TFCC’s water rights do not limit or condition the per share delivery made by the Company. If water is diverted and beneficially used pursuant to and within the limits of a company’s water right, neither the Watermaster nor IDWR can restrict the internal distribution of that water within the company. Lyle Swank, the Water District 1 Watermaster testified that he distributes water pursuant to the prior decrees. *See Swank Testimony* Vol. IV at 837, lns. 18-25, at 838, lns. 1-16.

The history of the development of the TFCC project, as documented in the evidence offered in this proceeding, demonstrates that TFCC has historically delivered and beneficially used 3/4 inch per share, and that such deliveries are within the quantity limits of TFCC's decreed water rights as well as the conveyance system as it has been developed and improved over the course of the past 100 years.² See *Alberdi Testimony*, Vol. VIII, at 1601, lns. 3-22 (indicating the historical use of 3/4 inch delivery and testifying that such deliveries are put to beneficial use); see also *id.* at 1604-05. The testimony from all of TFCC shareholders confirmed that 3/4 inch had been delivered and used in their irrigation operations over time. See *supra*, fn. 2. Moreover, the record does not support the argument that deliveries of 3/4 inch were wasteful.³ It is inconceivable that a water user could be held to alternative duties of water depending upon the water supply. If the crop needs the water and the decreed water right would not otherwise be exceeded the watermaster distributes water on that basis. Accordingly, there is no question that the 3/4 inch delivery has been beneficially used by TFCC's shareholders pursuant to the quantity elements in TFCC's decreed water rights.

The *Recommended Order* recognizes that "the licensed or decreed amount of a water right is a maximum amount to which the right holder is entitled." *Order* at 26. If TFCC's decreed water rights represent the "maximum amount" it can divert and use, and TFCC is presumed entitled to use that amount, then TFCC should be able to distribute water to its

² *Blick Direct* at 6, lns. 1-5 ("3/4 inch per share" is a "full supply of water"); *Coiner Direct* at 4, lns. 1-6 (same); *Garatea Direct* at 2, lns. 20-24 (same); *O'Connor Direct* at 4, lns. 1-8 (same); *Shewmaker Direct* at 3, lns. 10-13 (same); see also *Barlogi Direct* at 6, lns. 11-15 (indicating that in "reduced water supply years," TFCC has "**reduced to 1/2 inch and 5/8 inch** per share deliveries") (emphasis added).

³ At hearing former Director Karl Dreher stated that he accepted TFCC's reference to the 3/4 inch full headgate delivery. See *Dreher Testimony*, Vol. I at 120-21; & 146, lns. 1-9. That statement in isolation fails to acknowledge the foundation for the Director's acceptance of that representation. The Director had supervision over the Water District 1 watermasters for over 10 years (1995-2006). During that period there were numerous years in which the watermaster supervised the diversion of water by TFCC at the Snake River and 3/4 inch was delivered to the shareholders' field headgates. See SWC Record 112. At no time did the Director or the watermaster question the deliveries that occurred. Those deliveries were within the quantities of TFCC's decreed water rights and presumed to be beneficially used.

shareholders within those limits. Moreover, if TFCC's shareholders can beneficially use 3/4 inch within the quantity element of the water rights, which is demonstrated by the evidence, then that delivery criteria should be recognized and upheld. TFCC's decision on how to distribute water to its shareholders is dependant upon the particular water year and, as demonstrated over the past 17 years, that distribution has included deliveries up to 3/4 inch per share. *See* IDWR SWC Record 112; *Alberdi Testimony* Vol. VIII at 1601-15; *see supra* fn. 1. TFCC's management decision on when to delivery 3/4 inch takes into account various factors like the amount of storage TFCC has at the time, the state of Snake River spring flows and reach gains, the weather and cropping patterns. *See Alberdi Testimony* Vol. VIII at 1606, Ins. 9-23; Vol. X. at 1822-24.

In addition to being authorized to legally deliver 3/4 inch pursuant to its decreed water rights, TFCC's diversion and conveyance system is physically capable of delivering 3/4 inch per share. *See SWC Expert Report* at 3-15 ("The Twin Falls Main Canal was built with a capacity of 3000 cfs and currently can divert up to 3800 cfs"); *SWC Expert Report Appendix AU* at 11, Table 8 (listing TFCC's maximum daily total diversion as 3,804 cfs between 1988-2006); *see also*, *Alberdi Testimony* Vol. VIII at 1670-72 & 1676, Ins. 1-23. As recognized by the Hearing Officer, these considerations and the "allocation of water within a district is a matter of internal management". *Recommended Order* at 53. Any "full headgate delivery" determination which is inconsistent with the decreed water rights and the historical delivery evidence fails to consider the water requirements of the lands within the Company's project.

Next, with respect to the Company's internal memoranda relating to this issue, the SWC's expert *Rebuttal Report of Expert Report and Direct Testimony by Charles Brendecke for IGWA* (Exhibit 8191), at 40-43, thoroughly analyzes and explains why conclusions based on full

headgate deliveries should utilize 3/4 inch rather than 5/8 inch. As explained, although the project was originally intended to supply water to 240,000 acres, that number was not reached, and only approximately 203,000 shares were ever issued. *See SWC Rebuttal to Brendecke* at 40); *see also, State v. Twin Falls Land & Water Co.*, 37 Idaho 73, 81 (1922) (“there is now being watered under this system 203,620.68 acres of land”).

As originally proposed, the TFCC project was intended to deliver 5/8 miner’s inch to 240,000 acres. However, the total acreage actually developed was limited to just over 200,000 acres. While TFCC recognizes its original obligation to deliver at least 5/8 inch per share, as evidenced in its operation policy, that obligation did not prevent the Company from acquiring additional water rights or improving its system such that more than 5/8 inch per share could be delivered and used within the limits of those water rights. *See SWC Rebuttal to Brendecke* at 41-43; *see Alberdi Testimony* at 1602, lns. 15-25 (testifying that 5/8 inch delivery “is what the allocation that our water right provides for our user on a minimal basis”). This is especially the case here, where the alleged 5/8 inch per share “limitation” was based on the intention that TFCC would develop and provide water to 240,000 acres – nearly 40,000 more acres than were actually developed and irrigated.

Thereafter, TFCC acquired additional natural flow and storage water rights (as noted above) and took steps to recover water on the project. As such, the Company was then able to deliver 3/4 miner’s inch per share pursuant to its water rights. This historical delivery has continued to recent years. *See IDWR SWC Record* 112; *Alberdi Testimony* Vol. VIII at 1601-15.

The Court’s decision in *State v. Twin Falls Canal Company*, 21 Idaho 410 (1911) (*West* case), relied upon by IGWA for its claim that TFCC should be restricted to delivering 5/8

miner's inch, was not a case that decided what the Company was authorized to distribute to its shareholders under its water rights. TFCC water rights were not decreed until after this decision. Moreover, it was not a decision that applies between TFCC's senior natural flow rights and junior priority ground water rights. Notably, if TFCC diverts and delivers water pursuant to its water rights, and its shareholders beneficially use that amount, which can include a 3/4 miner's inch delivery, that delivery should be protected from interference by junior ground water appropriators.

Even so, the case cited by IGWA was decided before TFCC acquired additional natural flow and storage water rights, the case did not take into account subsequent actions on the project to recover water, and did not at the time recognize the full development that occurred on the project (approximately 200,000 instead of 240,000 acres). These issues were later recognized by the courts. *See State v. Twin Falls Land & Water Co.*, 37 Idaho 73, 86-88 (1923) (*Rice case*); *Twin Falls Land & Water Co. v. Twin Falls Canal Co.*, 79 F.2d 431 (9th Cir. 1935). In summary, the 1911 *West* case did not hold that TFCC could only delivery 5/8 miner's inch to its shareholders when history and the actions taken by the Company subsequent to that time demonstrate otherwise.

Finally, the evidence presented demonstrates that TFCC has improved and expanded its system to allow for more efficient water deliveries over the history of the project. *See Alberdi Testimony*, Vol. VIII, at 1676, lns. 18-23 (testifying that the TFCC system could handle deliveries of 3/4 inch per share); *SWC Rebuttal to Brendecke* at 41 (the construction of "drains, tunnels and other facilities to allow seepage and return flows to be captured and redistributed"); *see also Barlogi Direct* at 3, lns. 9-18 (addressing some of the recent improvements made on the project); *Shewmaker Direct* at 9-10 (discussing water delivery improvements). As a result of the

reduced acres (240,000 to 200,000), improvements to the delivery and recapture system and additional water rights, TFCC has been able to historically deliver 3/4 inch per share at the headgate, when water is available:

Q. [Mr. Arkoosh] Okay. What's the duty of water to the Twin Falls Canal Company?

A. [Mr. Alberdi] Three-quarters of an inch.

Q. Do you deliver three-quarters of an inch of water – so I understand when you say “three-quarters of an inch,” where is this – where is that measured? Is that measured at Milner or is that measured at the headgate? Where is that measured?

A. That's measured at the headgate.

Q. And what does that mean, a measure of quantity or flow of water, three-quarters of an inch?

A. Three-quarters of an inch is 6.75 gallons per minute per share of water is what it is at the headgate for each share.

Q. And when you say, "headgate," do you mean the canal headgate, the field headgate?

A. The farmer's turnout.

Q. The farmer's turnout?

A. The farmer's headgate.

Q. So measured at the field, essentially?

A. Yes.

Q. Okay. Have you been able to deliver three-quarters of an inch in your tenure as manager every year?

A. No, sir.

Q. Do you know what years you did not deliver three-quarters of an inch?

A. There's a number of years that we've been unable to deliver three-quarters of an inch. Historically, other than the droughts in the '30s, I believe in the

‘50s, *three-quarters of an inch was delivered to the Twin Falls project for decades*. Then in ‘77, it was not available. In ‘92, it was not available. In ‘94, we started at three-quarters and had to cut back to five-eighths. In 2001, 2002 – 2001, in fact, we got down at the end of the season, I believe, to half-inch. In 2002, ‘3, ‘4, ‘5, are five-eighths. 2006 is a three-quarter, and 2007 is a five-eighths-inch year.

Q. Why would you deliver less than three-quarters of an inch?

A. We didn't have the supply to do – to deliver three-quarters of an inch.

Q. When you delivered three-quarters of an inch, was it applied to beneficial use?

A. Yes, sir.

Q. In those years you were unable to deliver three-quarters of an inch. Had you been able to do so, would it have been applied to beneficial use?

MR. BUDGE: Objection. Foundation.

THE HEARING OFFICER: He may answer. Go ahead.

THE WITNESS: We would have. We had for decades.

Alberdi Testimony, Vol. VIII at 1599-1602 (emphasis added).

Mr. Alberdi's testimony that TFCC has historically diverted and used 3/4 miner's inch under its water rights is consistent with the testimony of TFCC shareholders, some of whom have spent their entire lives on the project. *See Blick Direct* at 1-2; *Shewmaker Direct* at 1-2.

The fact that TFCC has been able to deliver 3/4 miner's inch per share under its water rights where other companies and districts could not is irrelevant given the different water rights and project designs.⁴ The different water rights held by the various members of the Surface Water Coalition further highlights the different deliveries that are made to landowners and

⁴ Ted Diehl, manager of NSCC, addressed this during the hearing:

A. I remember Director Dreher called me once and said, "How come you only have five-eighths for a water right and Twin Falls has three-fourths?"

And I said, "That's the difference between your bank account and mine. If I could get part of your money, I'd feel better about it. But I'm not able to. And we don't have the water that Twin Falls owns." It makes a difference. It all has to do with priority rights.

Diehl Testimony, Vol. IX at 1880, lns. 7-15.

shareholders in those projects. *See Recommended Order* at 7-10; *see also, Bingham Direct* at 10, lns. 10-23 (BID created and developed to deliver 4 acre-feet per acre at the headgate); *Diehl Direct* at 4, lns. 5-12 (NSCC delivers 5/8 inch at the headgate or 3.0 to 3.5 acre feet per acre when there is a fully supply); *Mullins Direct* at 7, ln. 4 (Milner shareholders entitled to 4 acre-feet per acre when there is a full supply); *Temple Direct* at 7, lns. 1-11 (A&B shareholders typically receive 3 acre feet per acre when there is a full supply).

Moreover, the 3/4 miner's inch is even less than the standard 1 miner's inch (0.02 cfs) per acre that is provided for by Idaho law. *See Idaho Code* § 42-202(6) (even then the code recognizes that more than 1 inch per acre may be allowed if "it can be shown to the satisfaction of the department of water resources that a greater amount is necessary."); *see also* Exhibit 4614 (sample ground water right with condition that 0.02 cfs per acre could be diverted and applied).

Finally, TFCC's natural flow water rights, listed above, have been recommended in the SRBA in a manner consistent with TFCC's historical delivery of 3/4 inch at the headgate. *See* Exhibit 4001A. Objections have been filed on this point, *see* Exhibit 9729,⁵ and will be addressed in due course in the SRBA. The SRBA is the exclusive forum for resolving objections to the elements of TFCC's previously decreed water rights. *See* 42-1401 *et seq.*; *Walker*, 124 Idaho at 81.

As explained at the hearing and reiterated above, TFCC delivers 3/4 miner's inch to its shareholders within the limits of its water rights. Therefore, the Hearing Officer's

⁵ Upon review of the transcript and official exhibit list, it appears that Exhibit 9729 was inadvertently not admitted. *See* Transcript Vol. XIV at 2946. During the hearing, the parties stipulated to the admission of the recommendations and objections for each of the SWC water rights. *See Id.* at 2944, lns. 3-25. Objections for each of the SWC members' water rights were offered as exhibits 9723 through 9729, with one exhibit for each entity in alphabetical order. Objections relative to TFCC's water rights were listed as Exhibit 9729. *See Id.* at 2946, lns. 4-5. However, for reasons unclear in the transcript, Exhibit 9729 was inadvertently not included in the list that was admitted. *See Id.* at 2946, lns. 13-14 ("Any objection to the admission of 4001A, 9723, 9724, 9725, 9726, 9727 and 9728?"); *id.* at 2947, lns. 5-6 ("Exhibits 4001A and 9723 through 9728 admitted"). The Hearing Officer should correct this oversight and admit Exhibit 9729.

recommendation regarding a “full headgate delivery” for TFCC should be reconsidered. While the decision to determine a delivery amount varies upon the water year and various conditions, there is no dispute that TFCC has the ability to deliver 3/4 miner’s inch within its water rights. This variability in crop needs within the limits of the decreed water rights is the sole area for which administrative review is recognized. However, allowing the Director or watermaster to venture into adjudication issues for which the legislature granted sole jurisdiction to the SRBA Court is not permissible. Accordingly, to ensure that the record in this case does not either implicitly or explicitly provide for the “re-adjudication” of the water rights presently before the SRBA Court, TFCC respectfully requests the Hearing Officer to reconsider the determination regarding the recommended “full headgate delivery” criteria in the *Recommended Order*. At a minimum, the Hearing Officer should clarify that any “full headgate delivery” recommended in this process does not affect TFCC’s previously decreed water rights or the proceedings currently pending in the SRBA.

CONCLUSION

The Coalition respectfully requests the Hearing Officer to reconsider and clarify the issue related to Coalition water rights that are pending in the SRBA and the recommendation as to TFCC’s “full headgate delivery” of 3/4 inch diverted and used pursuant to its water rights. As identified above, certain elements of the Coalition’s water rights are subject to objections that are pending in the SRBA. Therefore, the Hearing Officer should clarify that any statements relative to these disputed elements in this proceeding is not binding upon the SRBA Court.

In addition, TFCC has delivered and beneficially used water in conformance with its decreed water rights, which has included deliveries of 3/4 inch to its shareholders. As long as the internal distribution of water within a company is consistent with the decreed quantity

element of a water right, the Director and the watermaster cannot “re-adjudicate” a different amount in administration. For these reasons the recommendation as to TFCC’s “full headgate delivery” should be reconsidered.


DATED this 13th day of May, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2008, I served a true and correct copy of the foregoing *Surface Water Coalition's Petition for Partial Reconsideration of Hearing Officer's Recommended Order* on the following by the method indicated:

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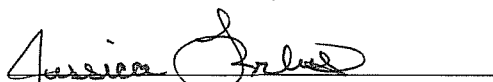

Jessica Forbis

Exhibit 4001A

WATER RIGHTS LIST

A&B IRRIGATION DISTRICT

1-14	1939-04-01	
1-2060A	1955-11-21	Recommended as 1-14
1-2064F	1921-03-30	Recommended as 1-2064
1-2068F	1939-07-28	Recommended as 1-2068

AMERICAN FALLS RES. DIST. #2

1-6	1921-03-30	
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BURLEY IRRIGATION DISTRICT

1-7	1939-04-01	
1-211B	1903-03-26	
1-214b	1908-08-06	

MILNER IRRIGATION DISTRICT

1-9	1939-04-01	
1-17	1931-04-30	
1-2050	1939-10-25	
1-2064B	1921-03-30	Recommended as 1-2064
1-4052	1944-06-16	Not Recommended

MINIDOKA IRRIGATION DISTRICT

1-8	1939-04-01	
1-4045A	1923-05-01	Recommended as 1-4045
1-10187	1903-03-26	Recommended as 1-211A
1-10188	1908-08-06	Recommended as 1-214A
1-10189	1909-12-14	Recommended as 1-10034
1-10190	1921-03-30	Recommended as 1-2064
1-10191	1939-04-01	Recommended as 1-2068
1-10192	1906-08-23	No Beneficial Use
1-10193	1909-12-28	Recommended as 1-219
1-10194	1911-06-16	Recommended as 1-214A
1-10195	1939-04-01	Renumbered 1-8
1-10196	1906-08-23	Recommended as 1-4055

TWIN FALLS CANAL COMPANY

1-4	1915-12-22	
1-10	1939-04-01	
1-209	1900-10-11	
1-2064A	1921-03-30	Recommended as 1-2064
1-4052	1944-06-16	No Beneficial Use
1-10042A	1921-03-29	Recommended as 1-2064
1-10043	1921-03-29	Recommended as 1-2068
1-10045A	1913-05-24	Recommended as 1-10045

NORTH SIDE CANAL COMPANY

1-5	1915-12-23	
1-16	1920-08-06	
1-210A	1900-10-11	Recommended as 1-210
1-210B	1900-10-11	Recommended as 1-210
1-212	1905-10-07	
1-213	1908-06-16	
1-215	1909-06-02	Forfeited 1976-1990
1-220	1910-06-29	Forfeited 1976-1990
1-2064C	1921-03-30	Recommended as 1-2064
1-4052	1944-06-16	No Beneficial Use
1-10042B	1921-03-29	Recommended as 1-2064
1-10043A	1921-03-29	Recommended as 1-10043
1-10045B	1913-05-24	Recommended as 1-10045
1-10053A	1921-03-30	Recommended as 1-2064

(USBOR) American Falls Reservoir

1-284	1921-03-30	Recommended as 1-2064
1-2064	1921-03-30	
1-4052	1944-06-16	No Beneficial Use
1-10042	1921-03-29	Recommended as 1-2064
1-10053	1921-03-30	Recommended as 1-2064

(USBOR) Jackson Lake Reservoir

1-4055	1906-08-23	
1-10044	1910-08-18	
1-10045	1913-05-24	

(USBOR) Palisades Reservoir

1-2068	1939-07-28	
1-4056	1957-05-03	Recommended as 1-2068
1-4057	1957-07-03	Recommended as 1-2068
1-10043	1921-03-29	Recommended as 1-2068

(USBOR) Lake Walcott

1-10034	1911-3-15	
---------	-----------	--

Notes:

1. This water rights list reflects the Surface Water Coalition water rights identified in the orders for purposes of material injury determination.
2. The stricken water rights reflect those not recommended in the Director's Report subsequently filed in the SRBA

05/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-4
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 600.000 CFS
PRIORITY DATE: 12/22/1915
POINT OF
DIVERSION: T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	600.000 CFS

PLACE OF USE:

196162 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Twin Falls Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Twin Falls Southside Canal.

05/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 180 000 CFS
PRIORITY DATE: 04/01/1939
POINT OF
DIVERSION: T105 R21E S29 SWNESE Lot 8 Within TWIN FALLS County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	180.000 CFS

PLACE OF USE:

196162 ACRES TOTAL

Place of use is within the area served by Twin Falls Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Twin Falls Southside Canal.

05/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-209
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 3,000.000 CFS
PRIORITY DATE: 10/11/1900
POINT OF
DIVERSION: T10S R21E S29 SWNESE Lot 8 Within CASSIA County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3,000.000 CFS

PLACE OF USE:

196162 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Twin Falls Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

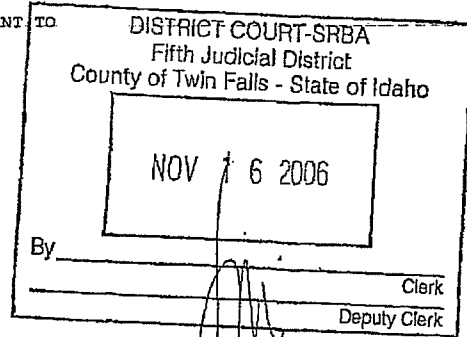
Water is delivered through Twin Falls Southside Canal.

Exhibit 4614

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 41-07030



NAME AND ADDRESS: TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.40 CFS
441.00 AFY

RIGHTS 41-7030, 41-7034, 41-7071, 41-7076 AND 41-7081 WHEN
COMBINED FOR IRRIGATION SHALL NOT EXCEED A TOTAL DIVERSION RATE
OF 10.02 CFS.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CPS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 01/02/1978

POINT OF DIVERSION: T09S R31E S06 SWSE Within Power County
SWSE
SWSE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.40 CFS
441.00 AFY

PLACE OF USE: Irrigation Within Power County

T09S R30E S01	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NESW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 31.0
S12	NWNE 40.0	SWNE 40.0
	NENW 40.0	SENW 40.0
	NESW 40.0	SESW 40.0
	NWSE 40.0	SWSE 40.0
R31E S06	NWNW 21.0	SWNW 22.0
	NESW 36.0	NWSW 22.0
	SWSW 18.0	SESW 30.0
	NESE 40.0	NWSE 38.0
	SWSE 33.0	SESE 40.0

1011.0 Acres Total

RIGHT 41-7030 IS LIMITED TO THE IRRIGATION OF 126.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHTS 41-7030, 41-7034, 41-7071, 41-7076 AND 41-7081 ARE
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 814.3 ACRES IN
A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER
SHALL RECORD THE QUANTITY OF WATER DIVERTED OR SHALL ENTER INTO
AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER
DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT. THE RIGHT HOLDER SHALL PROVIDE A
MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL

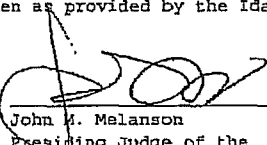
OTHER PROVISIONS (continued)

AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 41-07030

Priority: January 2, 1978

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 441.0 AF

This is to certify, that FAROLD J NELSON
PO BOX 177

ROCKLAND ID 83271 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 11, 1977; and has submitted Proof of Beneficial Use on October 19, 1983. An examination indicates that the works have a diversion capacity of 1.400 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.40 CFS	441.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 28, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	31E	28	NESW 8	SESW 8	NESE 18	
			NWSE 37	SWSE 37	SESE 18	126

Total number of acres irrigated: 126

CONDITIONS/REMARKS:

1. The maximum diversion volume listed within this right is defined as the maximum allowable volume of water that may be diverted annually from the source identified under this right, or limited to the amount that can actually be beneficially used on the above described place of use. This right is further limited to a maximum diversion of water onto the above described place of use of 0.02 cfs per acre or 3.0 acre feet per acre per year when combined with all other appurtenant water rights.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

RECEIVED
DEC 22 1984

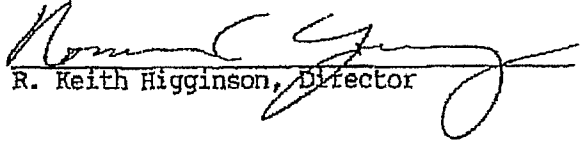
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 41-07030

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1991.

Acting for


R. Keith Higginson, Director

DEC 23 1991

ASSIGNED TO :
Farmers Home Administration
250 S. 4th Suite #112
Pocatello, Idaho 83201
May 21, 1980

Identification No. _____
Application No. 41-7030

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant KENT O. McMICHAEL Phone: 548-2689
post office address STAR ROUTE ROCKLAND IDAHO 83271
- 2 Source of water supply GROUND WATER which is a tributary of _____
- 3 a Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 10 S
Range 31 E B M Power County; additional points of diversion if any: _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes:
Amount 2.8 cfs for irrigation purpose from Nov 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a 2.8 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. From well into pipeline
to sprinkler irrigate

b Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive
c Proposed well diameter is 16 inches; proposed depth of well is 300 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b Estimated construction cost is \$ 24,000
- 8 Description of proposed uses:
a If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served: _____ or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

RECORDED

b If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 140

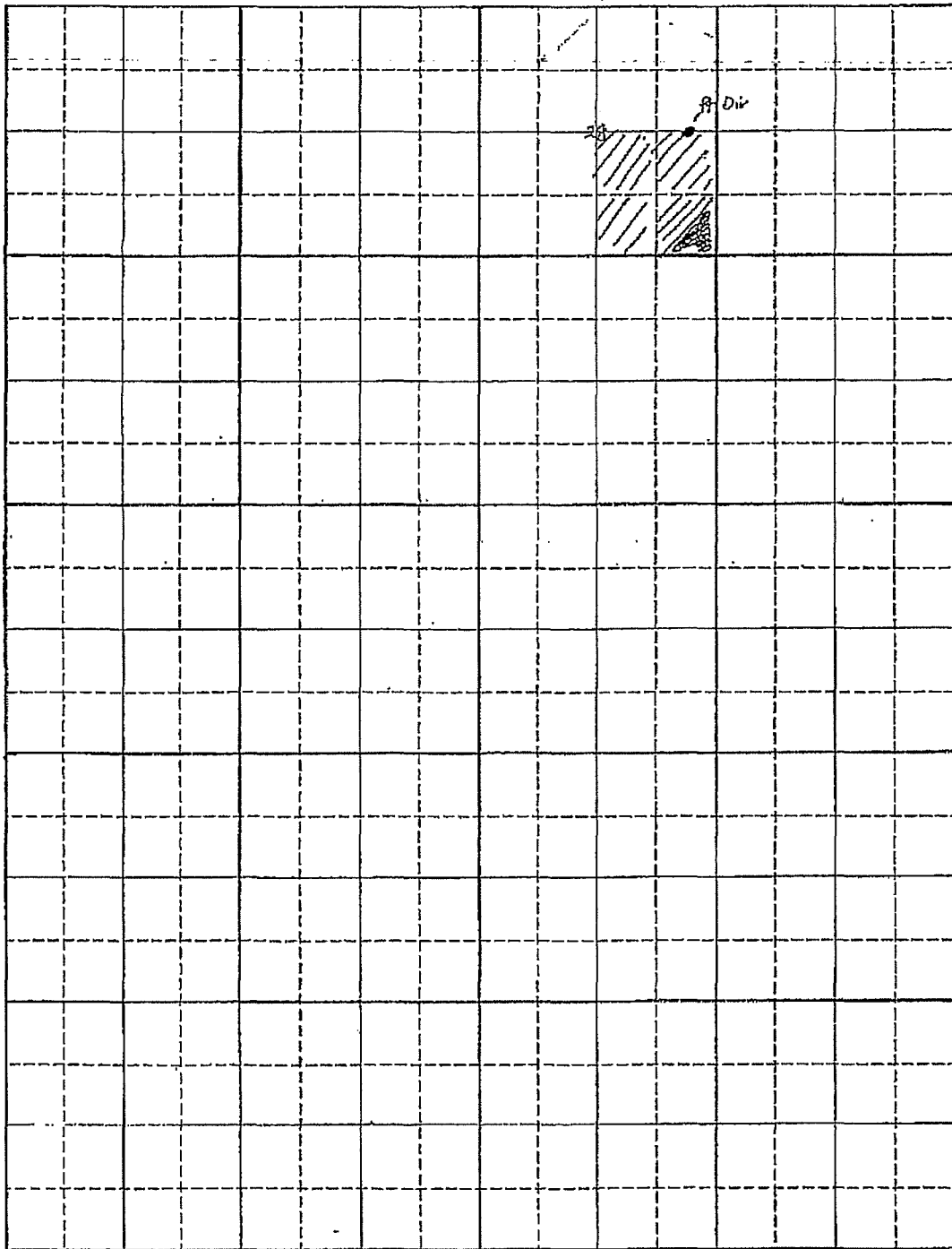
c. Describe any other water rights used for the same purposes as described above. None

- 9 a Who owns the property at the point of diversion Alvin Haskell
b Who owns the land to be irrigated or place of use Alvin Haskell
c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing BUYING FROM ALVIN HASKELL, deed attached

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T.10S R31E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Leslie O. McMichael
(Applicant)

Proposed Priority 10-11-77

Received by JK Date 10-11-77 Time 10 am
Preliminary check by JS Fee 5.45 ⁵⁰
Received by JK Date 10-11-77 48794
Publication prepared by JK Date 10/14/77
Published in Power County Press
Publication dates 10/20/ + 10/27/77
Publication approved JK Date 11/1/77
Priority reduced to _____ Reason _____

Protests filed by: Jim John B. Lufkin
bill of Hon. John L. Lufkin with 1-3-78
4. Harold Nelson

Copies of protests forwarded by JK 11/4/77

Hearing held by _____ Date _____

Recommended for approval denial by JK
NOTE: approval withheld pending
outcome of hearing 3-9-78

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 41-7030, and said application is hereby APPROVED.

1 Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1 1983

c. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
(2) "That applicant shall cause each and every water bearing strata encountered in the drilling of the well pursuant to the above numbered permit from the surface elevation of said well to the depth of 75 feet to be cased out by emplacement of solid casing material through the entire water bearing strata and into the next impervious soil strata encountered. Failure to so case the well or perforation of the casing so placed between the surface level and the said 75 foot depth or through the next pervious layer, shall cause this permit to become null and void."

Witness my hand this 12th day of October 1978

J. Glen Saxton

Chief, Operations Bureau

Exhibit 8000

Pages 2-37, 3-15

with an extraordinary loss of 37 per cent in the first 20 miles, although it is my opinion that this is caused by the leaks many of which can doubtless be stopped, an extraordinary duty will have to be attained in order to irrigate all the lands under this system; a higher duty than I believe is either feasible or desirable. The fact that water returning in the form of seepage has to be supplied at some point does not seem to be thought of by many. Any extraordinary seepage flow which might result from the irrigation of these lands can only be at the expense of the irrigators for the reason that the canal will not furnish a surplus at any season of the year.⁹⁴ (Emphasis in original.)

When the Foster Decree was handed down on June 20, 1913, it was hoped that water rights disputes on the river would be settled. The decree allowed for the following with regard to the Twin Falls North Side Land and Water Company: 1) 400 second-feet of natural flow diverted at Milner Dam with a date of October 11, 1900; 2) 2250 second-feet diverted at Milner Dam with a date of October 7, 1905; 3) 390 second-feet with a date of June 16, 1908; 4) 500 second-feet with a date of June 2, 1909; 5) 3000 cubic feet per second or as much as together with the prior rights will make a total of 3000 second-feet, with a date of June 29, 1910; 6) 322,000 acre-feet of storage water in Jackson Lake.⁹⁵ Writing on the decree 13 years later after the Minidoka Dam was built, Lynn Crandall commented that the decree was "interpreted by the various Special Deputy State Engineers in charge of stored water distribution on Snake River, to mean that the Twin Falls Canal Co. and the 1st Segregation of the North Side Canal Co. have a prior right to the natural flow of Snake River up to 3400 sec. Ft. at such times and in such amounts as same would be available if the Minidoka project had never been built." The assumption that river operators had made since 1910, Crandall continued, was that the normal flow at Neeley during the irrigation season is the same as what the normal flow at Milner would have been if the Minidoka dam had not been built. *In other words, the return flow water was considered part of the river's normal flow for lower users.*⁹⁶

⁹⁴ D.W. Ross to F.H. Newell, Chief Engineer, U.S.R.S., September 25, 1905, Report of Investigations Made on Snake River From Blackfoot to Twin Falls, ERO

⁹⁵ Twin Falls North Side Land and Water Company, Carey Act Minutes 1906-1921, "Twin Falls North Side Land And Water Company," Box: "17 178 Specific Water Project, Files R," Records of the Idaho Department of Reclamation, AR20, Idaho State Historical Society, Boise, Idaho.

⁹⁶ Crandall, Lynn. Water Distribution Below Neeley Gaging Station, April 1, 1926, "ADC - Re: Accounting," ERO.

Twin Falls Canal Company

Twin Falls Canal Company (TFCC) was constructed as a Carey Act project beginning in 1904. The project provides water to about 4000 water users irrigating 202,691 acres.⁴⁰ The average size of a unit, including small municipal/residential lots, is about 51 acres. The project is located in Twin Falls County and extends from Milner Dam on the east to Salmon Falls Creek on the west (See **Figure 3-9**).

The principal source of water for the project is the Snake River using a diversion at Milner Dam. The Twin Falls Main Canal was built with a capacity of 3000 cfs and currently can divert up to 3800 cfs. The system has over 1100 miles of canals and laterals. Delivery of $\frac{3}{4}$ miner's inch per acre requires about 3000 cfs supplied to the farm head gates.

TFCC is dependent upon capture and reuse of seepage and return flows within the project to meet water delivery requirements during periods of peak irrigation demand. The Low Line canal and various laterals are located to facilitate capture of water flows used in the operation of the High Line and other up-gradient canals and some canals receive seepage water from drainage ways and drain tunnels built to collect water that has percolated to a zone of low permeability present under much of the project. Because water is captured and reused, the combined delivery to head gates within the project during periods of full irrigation demand has traditionally been only about 10 to 15% less than the diversion for irrigation use measured into TFCC's main canal at Milner.⁴¹ However, limited supplies for diversion at Milner and water conservation on the project, including the trend to sprinkler application methods, has increased the difference between the volume diverted and the head gate delivery during periods of full irrigation demand to more than 25% during recent years.⁴²

The system operates to provide a flow rate of $\frac{3}{4}$ miner's inch per acre when water supplies are sufficient to do so. When water supplies are not sufficient to provide this flow rate for the season, water users are notified that a lesser rate will be provided for all or part of the season or the season may be shortened or interrupted. The project was originally developed to supply water for irrigation using gravity flood methods, but the application

⁴⁰ Twin Falls Canal Company Water Management Plan prepared by Twin Falls Canal Company with CH2M Hill, November 1999, p. 1.

⁴¹ Alberdi, personal communication July 20, 2007.

⁴² Ibid.

Exhibit 8000

Appendix A

Milner Irrigation District ("Milner") – Natural Flow Rights from Snake River

Claimant	Right No.	Priority	Basis for Right	Div. Rate cfs	Cum. Div. Rate cfs	Acres	Cum. Acres	SWC Call Basis
Milner	01-17	11/14/1916	Decree	135	135	8111.4	8111.4	Yes
Milner	01-9	4/01/1939	Decree	121	256	13,335	13,335	Yes
Milner	01-2050 ¹	7/11/1968	Ben. Use	37	293	13,335	13,335	No

1. Right No. 01-2050 was claimed as a licensed right with a priority date of October 25, 1939.

North Side Canal Company ("NSCC") – Natural Flow Rights from Snake River

Claimant	Right No.	Priority	Basis for Right	Div. Rate cfs	Cum. Div. Rate cfs	Acres	Cum. Acres	SWC Call Basis
NSCC	01-210	10/11/1900	Decree	400	400	31,843	31,843	Yes
NSCC	01-212	10/07/1905	Decree	2250	2650	120,000	151,843	Yes
NSCC	01-213	6/16/1908	Decree	350	3000	154,067	154,067	Yes
NSCC	01-5	12/23/1915	Decree	300	3300	154,067	154,067	Yes
NSCC	01-16	8/06/1920	Decree	832	4132	154,067	154,067	Yes

Twin Falls Canal Company ("TFCC") – Natural Flow Rights from Snake River

Claimant	Right No.	Priority	Basis for Right	Div. Rate cfs	Cum. Div. Rate cfs	Acres	Cum. Acres	SWC Call Basis
TFCC	01-209	10/11/1900	Decree	3000	3000	202,691 ¹	202,691	Yes
TFCC	01-4	12/22/1915	Decree	600	3600	202,691	202,691	Yes
TFCC	01-10	4/01/1939	Decree	180	3780	202,691	202,691	Yes

1. The acreage listed is as claimed. The claimant has objected to IDWR's acreage recommendation.

Exhibit 8000

Appendix AU

Table 8 SWC Canal Capacity Limitations for Irrigation Diversion Requirement Analysis

Company	Source of Data	Canals	Capacity Listed in Mgt Plan (cfs)	Maximum Daily Total Diversion 1988-2006 (cfs)	Capacity Used in Analysis (cfs)
A&B Irrigation District	A&B Irrigation District Water Management and Conservation Plan (Jan 2002)	Unit A Main Canal, Capacity is a Pump Capacity	270	282	270
American Falls Reservoir District #2	Big Wood Canal Company and American Falls Reservoir District 2 Water Management and Conservation Plan (Oct 2002)	Milner-Gooding Canal, after the Crosscut Canal Diversion to NSCC	1,700	1,734	1,700
Burley Irrigation District	Burley Irrigation District Conservation Plan (July 2000)	87.1% of Southside Gravity Canal	1,263	1,254	1,254
Milner Irrigation District	Milner ID Conservation Plan (April 2004)	Milner Pool into Main Canal Pumping Capacity	344	325	325
Minidoka Irrigation District	Burley Irrigation District Conservation Plan (July 2000) and USBR website http://www.usbr.gov/dataweb/html/pnminengdata.html	12.9% Southside Gravity Canal and 100% North Side Canal (From Minidoka Dam)	1,887	1,792	1,792
North Side Canal Company	Water Management and Conservation Plan (December 2003)	North Side Main Canal, North Side 'A' Lateral, North Side Crosscut Gooding Canal, PA Lateral Canal	3,655	3,979	3,800
Twin Falls Canal Company	Twin Falls Canal Company Water Management Plan (Nov 1999)		3,800	3,804	3,800

Exhibit 8191

Pages 40-43

of information, such as water management plans or other operational policies limit the delivery of water under a call. In the case of TFCC, as we identify in the next section, these documents were prepared, in part, to provide methods of operation during times of shortage. They do not limit TFCC's rights to delivery of water under a delivery call. Dr. Brendecke's characterization and use of the information in the documents to limit the delivery of water to TFCC under their senior-priority water right is not correct.

As a technical matter, the use of headgate delivery criteria in the Order and by Dr. Brendecke is inappropriate. If a delivery call requires evaluation of the need for water under a water right (and we understand this to be part of the legal questions to be resolved for this delivery call), headgate deliveries are not an appropriate or accurate estimate of the need for water in a surface water irrigation district because they do not measure the amount of water needed to overcome conveyance and operational losses. In addition, headgate deliveries vary between years and within the season depending on the irrigation demand which is a function of the temperature, wind speed, precipitation and other factors. Therefore, as a technical matter, headgate delivery criteria should not be used as a measurement of the SWC irrigation diversion requirements.

b. The headgate delivery documents and sources cited by Brendecke don't support the conclusion that TFCC should be limited to a headgate delivery of 5/8 of a miner's inch.

TFCC Water Management Plan

The TFCC 1999 Water Management Plan explains why a delivery rate of 3/4 miner's inch per acre is the customary rate for TFCC when supplies allow. The 1900 priority date water right for 3,000 cfs was initially intended to supply a 240,000 acre project. The water supply was planned at 1 cfs for each 80 acres or 5/8 miner's inch per acre. Before the proposed project could be fully completed, the early settlers determined that the planned water supply was not sufficient for a project as large as originally approved and took administrative and judicial actions to limit the size of the project to 203,569 shares at one share per acre (*State and Rice v. Twin Falls Land and Water Company*, 37 Idaho 73m 217 p.252 (1922) and *Twin Falls Land and Water Company v. Twin Falls Canal Company* 77F.2d 431, 1935). Subsequent acquisitions of treasury stock reduced the number of shares to 202,689. The 3,000 cfs water right provided, at the point of diversion at Milner, a flow rate of 1 cfs for each 67.6 acres (equivalent to 0.0148 cfs/acre or approximately 3/4 miner's inch per acre. Operation of the project showed that delivery to the farm head gate required additional water to compensate for delivery and operational losses. The 1999 management plan notes that since initial construction of the project, TFCC acquired additional natural flow water rights (780 cfs of relatively junior priority rights) and obtained storage rights (248,368 AF of space in American Falls and Jackson Reservoirs) to allow the diversion rate at Milner Dam to be increased to meet the conveyance loss and operational loss. The 1999 Water Management Plan states (top of Page 5):

In years in which TFCC receives its full 3,000 cfs of natural flow well into the summer because reservoirs are full and the spring runoff is still available, TFCC has traditionally delivered at least 3/4 miner's inch per acre/share,

and sometimes up to an inch in critical periods (202,689 acres x 3/4 m-in per acre/share = 3,040 cfs).

The Water Management Plan also notes that after about 1918 TFCC constructed drains, tunnels and other facilities to allow seepage and return flows to be captured and redistributed. The Plan states (Page 5, third paragraph) that:

With this result and better management of the system, TFCC has more often been able to deliver 3/4 inch per acre/share, succeeding in most average and above average water years.

The Water Management Plan at page 6, Table 3, lists that during the years 1992 to 1996 average monthly diversion from Snake River at Milner during July and August were 208,012 AF and 202,212 AF, respectively. These volumes convert to average flow rates of 3,383 cfs and 3,289 cfs, respectively, which are rates commensurate with supplying 3/4 miner's inch per acre at the farm head gate when adjusted for canal and operational losses and recovered seepage and waste flows. Accordingly, as referenced in this plan, TFCC has and continues to deliver 3/4 miner's inch per share pursuant to its water rights unless during times of shortage (caused by an insufficient supply) 3/4 miner's inch can not be delivered. TFCC 1999 Water Management Plan does not support Dr. Brendecke's opinion that TFCC should be limited to a headgate delivery of 5/8 miner's inch.

TFCC Operational Policy

TFCC developed an operational policy in 1981 (**Exhibit 8229**) that was revised in 1997. The 1997 Operational Policy states on page 3 that, "*TFCC water right is 5/8 miner's inch per share. This includes an obligation to deliver 1/80th of a cubic foot of water per second for each share of stock when the water supply is available. The TFCC delivers a proportionate share of the water supply for each share of stock.*" This statement reflects TFCC's management's position that TFCC is obligated to deliver at least 5/8 miner's inch per share. The statement does not limit TFCC's ability to deliver greater than 5/8 miner's inch when the water supply is available pursuant to TFCC's water rights. The statement does not limit TFCC's obligation to seek a full delivery of its water rights for its shareholders. TFCC has historically and continues to deliver water to its shareholders pursuant to its water rights, both natural flow and storage rights. The water rights provide for TFCC to deliver 3/4 miner's inch per share. The 1981 Operation Policy (although shortened in 1997) contains a more complete description of the history of the development of the TFCC tract and the fact that TFCC delivers more than 5/8 miner's inch per share when shortages do not limit their ability to deliver water:

The Twin Falls Canal Company, as successor to the Twin Falls Land & Company, is obligated to delivery 1/80th of the cube foot of water per second for each share of stock when the water is available (5/8ths of an inch per share). In other words, in accordance with the 1903 contract between the State of Idaho and the Twin Falls Land & Water Company, the Twin Falls Canal Company must deliver to its shareholders 50 inches (1 cff/s) for each 80 acres with a headgate within 1/2 mile of the land. The Company's water rights permit deliveries above 5/8ths of an inch when water is available.

Although the updated 1997 operation policy shortened this section considerably, it did not change TFCC's ability to deliver water pursuant to its water rights, which provide for 3/4 miner's inch per share delivery.

In the 1997 policy, there is a summary table on page 3 (shown below) that clearly states TFCC natural flow and storage rights.

Information on Page 3 of TFCC Operational Policy dated 1997

PERTINENT INFORMATION

- **TFCC 24 HOUR EMERGENCY NUMBER IS 733-6731**
- The following are approximate amounts:

Area Irrigated	202,691 acres
Major Canals	110 miles
Laterals	1,000 miles
Number of waterusers	4,000
Number of service gates	3,000
Water Rights	3,000 cfs natural flow, priority date October 11, 1900 600 cfs natural flow, priority date December 22, 1915 180 cfs natural flow, priority date April 1, 1939
Storage Rights	151,185 acre feet in American Falls Reservoir 97,183 acre feet in Jackson Reservoir
Irrigation Season	March 1 - October 31
Diversion	Per demand up to 3,800 cfs

12/10/97

Also, the TFCC share certificates show that, to the extent water availability and facility capacity exceed 5/8 miner's inch per acre, the share certificates recognize delivery of a greater amount.

Each of said shares or water rights shall represent a carrying capacity in said canal sufficient to deliver water at the rate of one eightieth of one second foot per acre and each share or water right sold or contracted as herein provided shall also represent a proportionate interest in said canal, together with all rights and franchises based upon the number of shares finally sold in the said canals.

Taken in context with the information described above, it is clear that TFCC's operational policy is to seek a full delivery under their water right, but that at times of shortage it may need to restrict deliveries to 5/8 of a miner's inch at the headgate in order to distribute the limited supply that is available during a shortage. This does not mean that 5/8 of a miner's inch is a full delivery under the TFCC water rights nor does it mean that shortages are acceptable and do not cause impacts to TFCC.

Jay Barlogi's Deposition

Dr. Brendecke references the deposition of Jay Barlogi (a TFCC staff member) as support for limiting TFCC's need for water in this delivery call. The discussion of this issue in the Barlogi Deposition is within the context of canal operations during May and June, prior to peak irrigation demand. Mr. Barlogi clarifies at Pages 118 –119 of his deposition that he is referring to the ease and comfort of canal operations rather than the adequacy of the supply. Mr. Barlogi's deposition testimony does not support Dr. Brendecke's opinion that TFCC should be limited to a headgate delivery of 5/8 miner's inch.

2. The "minimum full supply" is too large compared to the amount of supply available during other drought periods.

Dr. Brendecke alleges that the "minimum full supply" is too large compared to the amount of supply available during other drought periods. He cites the supply volumes and shortage rates from the Palisades Reservoir Project Planning Reports and other planning studies. He states in his Expert Report (pg. 27) that, "*the natural flow supplies of the SWC entities are as good or better now than they were before ground water pumping began.*"

We have shown that the shortages experienced by the SWC recently (7 out of 17 years with shortage and a 60 percent supply reliability) are much greater than the planning report shortages (2 out of 47 years of shortages with a 98 percent reliability) in our rebuttal to Opinion 4. We have also shown in our rebuttal to Opinion 3 that the natural flow supplies of the SWC entities are less now than before ground water pumping began. We have shown that Dr. Brendecke's opinions are not supported by the facts.

Dr. Brendecke is alleging that the "minimum full supply" is too large compared to historical diversions. This is also not correct, as shown on **Exhibit 8230**. Before ground water pumping began to deplete the SWC supply by reducing reach gains (reach gains began to be affected from about 1950 to 1960), the SWC diversions were always more than the minimum full supply from 1930 to 1960 except during one year in 1935. After 1960, when ground water pumping was depleting the SWC water supply, the "minimum full supply" was not met during 10 years including 1961, 1977, 1992, 1994 and 2001 to 2006. This shows that before ground water pumping began depleting the supply, the supply was almost always more than the "minimum full supply", except for one year during extreme drought.

The term "minimum full supply" is not found in Rule 42 of the CMRs. Instead, Rule 42 lays out a procedure to confirm that water delivered under a senior's right will be used for irrigation supply to meet the irrigation diversion requirements for actual irrigation conditions (like acreage, method of delivery, etc.) based on prior comparable hydrologic conditions. The "minimum full supply" in the Order does not meet the irrigation diversion requirements of the SWC based on an examination of the actual irrigation conditions on the SWC projects, as explained below.

3. The minimum full supply did not consider actual irrigation requirements.

Dr. Brendecke opines that the minimum full supply should be based on actual irrigation requirements. We agree. A comparison of the irrigation diversion requirements calculated in the SWC Expert Report to the minimum full supply is presented on **Exhibit**

Exhibit 9726

RECEIVED

COPY

OCT 04 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) A. Subcase No. 01-2050
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)
_____)

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Milner Irrigation District
Address: 5294 E 3610 N
Murtaugh, Idaho 83344
Daytime Phone: (208) 432-5560

Name and Address of Attorney:

Attorney Name: Travis L. Thompson
Attorney Address: Barker Rosholt & Simpson LLP
113 Main Ave W., Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Attorney Phone: (208) 733-0700

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Milner Irrigation District
Address: 5294 E 3610 N
Murtaugh, Idaho 83344

D. I object to the following elements as recommended in the Director's Report

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity

4. ☒ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. ☐ **I object because:**
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S):

The water right was previously licensed by the Idaho Department of Water Resources on July 15, 1950 with a priority date of October 25, 1939. The Director's Report erroneously recommended a priority date of July 11, 1968.

VERIFICATION

State of IDAHO)
) ss.
County of Twin Falls)

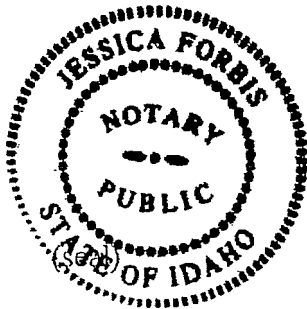
TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Travis L. Thompson
Barker Rosholt & Simpson LLP

Attorneys for Respondents

Subscribed and sworn to before me on: October 3, 2006



Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/12

CERTIFICATE OF MAILING

I certify that on October 3rd, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant and objector:

Milner Irrigation District
5294 E 3610 N
Murtaugh, Idaho 83344

3. Copies to:

IDWR Document Depository ✓
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724


Travis L. Thompson

Exhibit 9729

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

OCT 04 2006

**DEPARTMENT OF
WATER RESOURCES**

In Re SRBA)

A. Subcase Number: 01-209

(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: TWIN FALLS CANAL COMPANY

Address: P.O. BOX 326
TWIN FALLS, ID 83303

Daytime Phone: (208) 733-6731

Name and Address of Attorney, if any:

Attorney Name: JOHN A. ROSHOLT, ISB #1037
JOHN K. SIMPSON, ISB #4242
TRAVIS L. THOMPSON, ISB #6168
PAUL L. ARRINGTON, ISB #7198
BARKER ROSHOLT & SIMPSON, LLP
Attorney Address: P.O. BOX 485
TWIN FALLS, ID 83303

Attorney Phone No.: (208) 733-0700

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: TWIN FALLS CANAL COMPANY

Address: P.O. BOX 326
TWIN FALLS, ID 83303

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: ____
2. ☐ **Source**
Should be: ____
3. ☐ **Quantity**
Should be: ____
4. ☐ **Priority Date**
Should be: ____
5. ☐ **Point(s) of diversion**
Should be: ____
6. ☐ **Instream Flow Description**
Should be: ____
7. ☐ **Purpose(s) of Use**
Should be: ____
8. ☐ **Period of Year**
Should be: ____
9. ☒ **Place of Use**
Should be: ____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Objection is necessary to correct the project boundary and the total number of irrigated acres.

F.

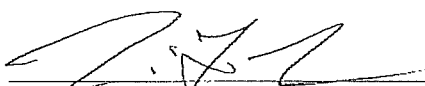
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

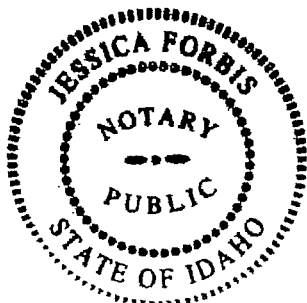
(Signature of person filing objection)




(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 3, 2006





Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/06

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 3rd, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: TWIN FALLS CANAL COMPANY
Address: P.O. BOX 326
TWIN FALLS, ID 83303

3. Copies to:

IDWR Document Depository ✓
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Travis L. Thompson

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

)
)
)
)
)
)

A. Subcase 1-209
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Ground Water Appropriators, Inc. ("IGWA") acting for and
on behalf of its Members whose names and addresses are shown on
"Exhibit A" attached hereto

Address: c/o Lynn Tominaga
Executive Director of IGWA
P.O. Box 2624
Boise, ID 83701-2624

Telephone: (208) 381-0294

Name & Address of Attorney:

Randall C. Budge
Scott Smith
T.J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Twin Falls Canal Company

Address: P.O. Box 326, Twin Falls, Idaho 83303-0326

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☒ **Quantity**
Should be: Base flows available to supply this right do not exceed 2000 cfs after July 15. For purposes of conjunctive management this right should be reduced to 2000 cfs after July 15 of each year. The quantity should not exceed 5/8" per acre consistent with the rights of all other surface water coalition right holders.

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: Conditions should be inserted to limit this right to actual irrigated acres for conjunctive management purposes.

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Bannock)

Randall C. Budge, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

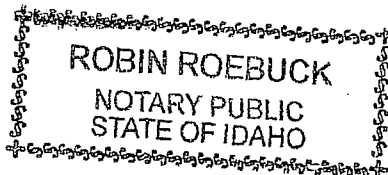
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Randall C. Budge
(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 3rd day of October, 2006.

Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission Expires: 8/18/2012



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 3, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

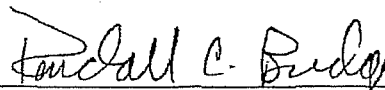
Name: Twin Falls Canal Company
Address: P.O. Box 326
Twin Falls, Idaho 83303-0326

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney

EXHIBIT "A"

Aberdeen-American Falls GWD
P.O. Box 70
American Falls, Idaho 83211

Bonneville-Jefferson GWD
c/o Dane Watkins, President
P.O. Box 5781
Idaho Falls, Idaho 83405

Magic Valley Ground Water District
c/o Pamela Miller, Secretary/Treasurer
809 E. 1000 N.
Rupert, Idaho 83350

Southwest Irrigation District
c/o Bill Parsons
P.O. Box 688
Burley, Idaho 83318

United Water of Idaho
c/o Scott Rhead
P.O. Box 190420
Boise, Idaho 83719-0420

City of Jerome
c/o Rob Williams
152 E. Avenue A
Jerome, Idaho 83338

City of Blackfoot
c/o Mayor Mike Birtue
157 North Broadway
Blackfoot, Idaho 83221

City of Paul
c/o Mayor Randy Jones
P.O. Box 130
Paul, Idaho 83347

City of Rupert
c/o Dennis Andrew, Water Supt.
P.O. Box 426
Rupert, Idaho 83350

Bingham Ground Water District
c/o Craig Evans
1523 W. 300 N.
Blackfoot, Idaho 83221

Madison Ground Water District
c/o Jason Webster
P.O. Box 321
Rexburg, Idaho 83340

North Snake Ground Water District
152 East Main Street
Jerome, Idaho 83338

Busch-Ag Resources
Attn: Tony Taylor, Legal Department, 202-6
One Busch Place
St. Louis, Missouri 63118-1852

City of American Falls
c/o Pete Cortez
Water/Wastewater Superintendent
550 N. Oregon Trail
American Falls, Idaho 83211

Jerome Cheese Company
c/o John Davis, General Manager
47 W. 100 S.
Jerome, Idaho 83338

City of Chubbuck
c/o Mayor Steven England
P.O. Box 5604
Chubbuck, Idaho 83202

City of Heyburn
c/o Scott Spevak, City Supt.
P.O. Box 147
Heyburn, Idaho 83336

IDWR Partial
Agency Record SWC
Page 112

**Twin Falls Canal Company
Average Monthly Headgate Deliveries
Inches of Water Per Acre**

1990	3/4
1991	3/4
1992	3/4, 5/8, 1/2
1993	3/4
1994	3/4, 5/8
1995	3/4
1996	3/4
1997	3/4
1998	3/4
1999	3/4
2000	3/4
2001	3/4, 5/8, 1/2
2002	3/4, 5/8
2003	5/8
2004	5/8, 1/2